

ASSEMBLY BILL

No. 942

Introduced by Assembly Member Cogdill

February 18, 2005

An act to amend Section 41855.6 of the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 942, as introduced, Cogdill. Air quality: agricultural burning: San Joaquin Valley.

Existing law prohibits any person from knowingly setting or permitting agricultural burning unless he or she has a valid permit designated by the State Air Resources Board to issue a permit in the area where the burning is to take place. Existing law prohibits the issuance of any permit to a person to burn certain categories of agricultural waste, as defined, within the jurisdiction of the San Joaquin Valley Unified Air Pollution Control District, commencing on the date specified for each category. Existing law allows the district to postpone the commencement dates if specified requirements are met, including a requirement that the district determines that there is no economically feasible alternative means of eliminating the waste, as provided.

This bill would define “economically feasible” in an unspecified manner for purposes of the above provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 41855.6 of the Health and Safety Code is amended to read:

41855.6. (a) The district may postpone the commencement dates set forth in subdivision (a) of Section 41855.5 for any category of agricultural waste or crop described if all of the following ~~applies~~ *apply*:

~~(a)–~~

(1) The district determines that there is no economically feasible alternative means of eliminating the waste.

~~(b)–~~

(2) The district determines that there is no long-term federal or state funding commitment for the continued operation of biomass facilities in the San Joaquin Valley or development of alternatives to burning.

~~(c)–~~

(3) The district determines that the continued issuance of permits for that specific category or crop will not cause, or substantially contribute to, a violation of an applicable federal ambient air quality standard.

~~(d)–~~

(4) The state board concurs with the district's determinations pursuant to this section.

(b) *For the purposes of this section, "economically feasible" means _____.*

SEC. 2. The Legislature finds and declares that due to the unique circumstances relating to air quality in the San Joaquin Valley Unified Air Pollution Control District, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution.